

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2702 OF 2006.

Anil Kumar Sinha. ... Applicant.
Versus.
Hardas Sankumkhdas Makhija & ors. ... Respondents.

Shri Suresh A. Malkani for the Applicant.

Shri U.V.Nikam, A.P.P. for the Respondent-State.

CORAM : ABHAY S.OKA, J.

DATED : 7th November, 2006.

P.C.:

1. Heard the learned Advocate for the Applicant.

By this Application under section 482 of the Code of Criminal Procedure, 1973, the Applicant has challenged order dated 5th May 2006 passed by the Adhoc Additional Sessions Judge, Kalyan. The Applicant is the complainant in a private complaint filed by him before the learned Magistrate. The learned Magistrate issued process on the said private complaint. In Revision Application filed by the accused persons, by the impugned order, the order issuing process has been stayed till further orders.

2. After having heard the Advocate for the Applicant, I find that no case is made out for interference with the impugned order. After admission of the Revision Application for final hearing, the learned Judge has stayed the execution and operation of the order issuing process. After the Revision Application was admitted, the trial cannot be allowed to

proceed. However, the Revision Application deserves to be heard expeditiously.

3. Hence the following order is passed:

- i) The Application is rejected.
- ii) The concerned Court to decide the Revision Application as expeditiously as possible and preferably on or before 31st March 2007.
- iii) All contentions of the parties on merits of the Revision Application are expressly kept open.

Judge.